
UNITED STATES DISTRICT COURT**EASTERN DISTRICT OF TEXAS**

MICHEAL J. IBENYENWA,

Plaintiff,

versus

TEXAS BD. OF CRIMINAL JUSTICE,

Defendant.

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CIVIL ACTION NO. 9:22-CV-42

**MEMORANDUM ORDER OVERRULING PLAINTIFF'S OBJECTIONS AND
ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff Micheal J. Ibenyenwa, a prisoner confined at the Polunsky Unit of the Texas Department of Criminal Justice, Correctional Institutions Division (TDCJ-CID), proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against the Texas Board of Criminal Justice.

The court ordered that this matter be referred to the Honorable Christine L. Stetson, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge. The magistrate judge recommends dismissing the action without prejudice pursuant to 28 U.S.C. § 1915(g).

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings, and all available evidence. Plaintiff filed objections to the magistrate judge's Report and Recommendation.

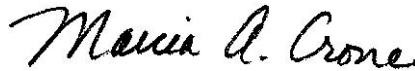
The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). After careful consideration, the court concludes

the objections are without merit. Plaintiff is barred from proceeding *in forma pauperis* unless he is in imminent danger of serious physical injury. *Ibenyenwa v. Wells*, No. 21-40241, 2022 WL 413941 at *2 (5th Cir.), *cert. denied*, __ U.S. __, 143 S. Ct. 236 (2022). Because Plaintiff has not demonstrated that he is in imminent danger, he may not proceed *in forma pauperis*. Further, Plaintiff has not paid the \$402.00 filing fee. Accordingly, this action will be dismissed.

ORDER

Accordingly, Plaintiff's objections (#11) are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge (#8) is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

SIGNED at Beaumont, Texas, this 20th day of January, 2023.

A handwritten signature in black ink, reading "Marcia A. Crone", is positioned above a horizontal line.

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE